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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties to the Covenant concerning rights covered by articles 10 to 12, in accordance with the second stage of the programme established by the Economic and Social Council in its resolution 1988 (LX)

Addendum

NICARAGUA*

[29 April 1993]

Introduction

1. As from April 1990, the Government of Nicaragua presided by Mrs. Violeta Barrios de Chamorro initiated far-reaching economic and social changes. Briefly, the changes involve liberalization of the economy through the extensive privatization of all State property, for the benefit both of the former owners, after a thorough analysis of the situation, and of private entrepreneurs and workers themselves, as part of a programme to stabilize and adjust the economy before undertaking a broader structural adjustment programme.

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* The Permanent Mission of Nicaragua informed the Centre for Human Rights, by its note verbale dated 28 April 1993, that the Government of Nicaragua was updating the report submitted on 9 February 1990 (E/1986/3/Add.15). This document contains the updated report.

2. The purpose of all these changes was to correct the pronounced macroeconomic imbalances then affecting Nicaragua's economy, which were reflected in a sharp deterioration in the general standard of living, back to levels that had existed over 40 years before, rapid growth in the external debt and inflation which peaked at an annual level of 43,000 per cent, an unprecedented figure in Latin America and one of the highest in world economic history.

3. The stabilization and adjustment programmes are designed to correct these macroeconomic imbalances and to establish the basic conditions for economic recovery. However, it is recognized that the implementation of such programmes entails a deterioration in the standard of living of the most vulnerable sectors of society. Nicaragua has been no exception to this.

4. Aware of this fact, the Government of Nicaragua has implemented social programmes which focus on combating acute poverty and unemployment. Accordingly, from February 1991 onwards, as part of a process of national cooperation, bodies such as Emergency Social Investment Fund (FISE) were set up to implement emergency social programmes designed to create temporary sources of employment as an initial measure, pending the establishment of the Ministry of Social Welfare (MAS) in January 1993. This involves a gradual increase in social expenditure in the proportion of the Republic's budget spent on social programmes. Thus, in 1993, 46 per cent of the national budget was devoted to social expenditure, covering education, health, housing, social security, etc.

I. GENERAL FRAMEWORK WITHIN WHICH ARTICLES 10 TO 12 OF THE COVENANT ARE IMPLEMENTED

A. LAND AND POPULATION

5. Please provide information about the main ethnic and demographic characteristics of the country and its population, as well as such socio-economic and cultural indicators as per capita income, gross national product, rate of inflation, external debt, rate of unemployment, literacy rate and religion. Information on the population by mother tongue, life expectancy, infant mortality, maternal mortality, fertility rate, percentage of population under 15 and over 65 years of age, percentages of population in rural areas and in urban areas and percentages of households headed by women. As far as possible, provide all data disaggregated by sex.

Population: 3.9 million.
Annual rate of growth: 3.3 per cent.
Ethnic characteristics: mestizos: 69 per cent, whites: 17 per cent, negroes: 9 per cent, indians: 5 per cent.
Per capita income: US$ 347.
Gross domestic product: US$ 1.7 billion.
External debt: US$ 8 billion.
Unemployment rate:
Life expectancy: Men: 66; women: 58.
Infant mortality: 68 per 1,000 live births.
Illiteracy: 40-43 per cent of the population aged over 10.
Religion: Catholics: 95 per cent, Protestants: 5 per cent.

DEMOGRAPHIC INDICATORS

Life expectancy	1990-1995
Overall	66.60
Men	64.80
Women	68.50
Infant mortality	52.10
Overall fertility rate	5.43

Source: Population estimates and forecasts revised by the Directorate-General for Demographic Studies, September 1991.

	1992
PERCENTAGE OF THE POPULATION AGED UNDER 15	
Total	45.39
Male	46.04
Female	44.74
PERCENTAGE OF THE POPULATION AGED OVER 65	
Total	2.80
Male	2.55
Female	5.05
URBAN POPULATION AS A PERCENTAGE OF THE TOTAL	
Total	61.61
Male	60.12
Female	63.10
RURAL POPULATION AS A PERCENTAGE OF THE TOTAL	
Total	38.39
Male	39.88
Female	36.90

Source: 1992 population statistics based on fascicle F-NIC 1, "Nicaragua: Estimaciones y proyecciones de Población 1950-2025" (revised in September-December 1992), ESDENIC'85, and Electoral Roll.

	ESDENIC'85
PERCENTAGE OF HOUSEHOLDS HEADED BY WOMEN	24.28
OVERALL UNEMPLOYMENT RATE	16.00
ILLITERACY RATE (POPULATION AGED OVER 10)	
Total	24.90
Male	24.40
Female	25.43

Source: ESDENIC'85 Basic Tables, Volume I, Table I, 11, and Table I, 8, Volume III-I.

B. PLEASE DESCRIBE BRIEFLY THE POLITICAL HISTORY AND FRAMEWORK, THE TYPE OF GOVERNMENT AND THE ORGANIZATION OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL ORGANS.

6. The first inhabitants of Nicaragua were indigenous tribes of Chorotega origin: Niquirinos and Nagrandanos, who settled in Nicaragua's Pacific region, and other Chontal and Carib tribes who settled in the central part of the Atlantic region.

7. The arrival of the Spanish conquistadors in America marked the beginning of the colonial period, which was to last until 1821 when Creole settlers of European origin achieved independence.

8. From 1821 to 1823 Nicaragua, together with Guatemala, Honduras, El Salvador and Costa Rica made up the United Provinces of Central America and joined the Mexican empire of Iturbide.

9. In 1838 the Central American federation broke up and Nicaragua became an independent State.

10. From 1854 to 1856 a war known as the National War took place involving foreign elements. American filibusters under the command of William Walker attempted to introduce slavery into Nicaragua but were overcome with the help of other Central American countries. During this conflict, Nicaragua's national identity was consolidated.

11. The period from 1859 to 1983 was one of relative peace marked by the institutionalization of political parties and the peaceful succession of Governments, all of them conservative. During this period, known as the 30 years, coffee first began to be produced in Nicaragua, leading to a reform of land tenure and Nicaragua took its first steps into the world market; railways and the telegraph were introduced and free compulsory primary education was established.

12. During the last century and at the beginning of the present one, Nicaragua was coveted by the major world powers on account of the possibility of constructing an interocean canal across its territory.

13. In 1893, a revolution brought to power the liberals, who separated the Church and the State, secularized cemeteries, established public records, introduced divorce into Nicaraguan legislation, reformed the civil and criminal codes of the colonial period, consolidated Nicaragua by reincorporating the Atlantic coast and encouraged foreign investment, which brought the beginning of industrial development.

14. The revolution was criticized for its excesses against its enemies (torture, imprisonment, confiscations, deportations, etc.), for its failure to observe the provisions of the '93 Constitution (La Libérrima) and for the re-election of General José Santos Zelaya for several presidential terms.

15. The liberal regime was overthrown with foreign assistance, initiating a new period of conservative Governments involving American intervention. Under

these Governments, the management of customs, railways, ports and State banks was transferred into foreign hands.

16. This intervention lasted until 1933, with a brief interruption from 1925 to 1926.

17. In 1933, the liberals returned to power for a second term, with the "Pacto del Espino Negro", under which all the weapons belonging to the Nicaraguan rebels were handed over to the United States.

18. From 1926 to 1933, the armed opposition of Augusto César Sandino - a liberal leader vigorously opposed to United States armed intervention - gave a highly nationalistic tone to this phase of Nicaraguan history.

19. The National Guard was established by the "Pasos-Munro" agreement: this guard is in principle under the command of foreign officers. In 1936 the first national commander, Anastasio Somoza García, carried out a coup d'état and seized power, thereby initiating the Somoza period which continued, with the support of the National Guard, until 1979.

20. The Frente Sandinista de Liberación Nacional - initially under a Government Junta and then, after 1984 under President Daniel Ortega - governed until February 1990. On 25 February 1990, a coalition of political parties, the Unión Nacional Opositora (UNO), led by Violeta Barrios de Chamorro, came to power.

II. TYPE OF GOVERNMENT AND ORGANIZATION OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL ORGANS

21. Nicaragua's Government is democratic, representative, civil and based on national convergence. It was elected in free and universal elections to safeguard the interests of Nicaraguan society as a whole and its democratic and civil institutions, and to preserve and strengthen the rule of law and peace and to promote human and social development in a spirit of national concord.

ORGANIZATION OF THE BRANCHES OF GOVERNMENT: (Art. 129 of the Constitution)

> "... the Legislative, Judicial and Electoral branches shall be mutually independent and cooperate harmoniously, subordinate only to the supreme interests of the nation and the provisions of this Constitution ..."

A. ORGANIZATION OF THE EXECUTIVE

22. The organization of the Executive is laid down in articles 144 to 153 of Nicaragua's Constitution.

23. Executive authority is exercised by the President of the Republic, who is the Head of State and of Government and Supreme Commander of the National Armed and Security Forces.

24. The Vice-President of the Republic performs such functions as are delegated to him by the President and replaces the latter in the event of his temporary or permanent absence.

25. The President and Vice-President of the Republic are elected by universal, equal, direct, free and secret ballot; the successful candidate is the candidate receiving a relative majority of votes.

26. In order to be President or Vice-President of the Republic a person must satisfy the following requirements:

He must possess Nicaraguan nationality;
He must be fully entitled to his civil and political rights;
He must be at least 25 years of age.

27. The President and the Vice-President of the Republic remain in office for six years from their investiture, which is on 10 January of the year following the election; during this period they are entitled to immunity.

28. If the President of the Republic is temporarily unable to exercise his functions, they are assumed by the Vice-President.

29. If the President of the Republic is permanently unable to exercise his functions, the Vice-President acts as President of the Republic for the remainder of the term of office and the National Assembly is required to elect a new Vice-President.

30. If both the President and Vice-President are temporarily and simultaneously unable to exercise their functions, those of the President are taken over by the President of the National Assembly or by whosoever is lawfully designated to replace him.

31. Should the President of the Republic be permanently unable to perform his functions, the National Assembly appoints a successor to his office.

32. Should both the President and Vice-President of the Republic be permanently unable to perform their functions, those of the President are taken over by the President of the National Assembly or by his representative. The National Assembly must appoint replacements within 72 hours of the vacancy having occurred. The persons thus appointed remain in office for the remainder of the term.

33. The President of the Republic has the following functions:

(a) To observe and to ensure observance of the Constitution and law;

(b) To represent the nation;

(c) To exercise the power to initiate laws and the right of veto, in accordance with the provisions of the present Constitution;

(d) To issue executive orders with force of law in the fiscal and administrative spheres;

(e) To prepare the overall budget of the Republic and to promulgate it once the National Assembly has approved or taken note of it, as appropriate;

(f) To appoint and dismiss ministers and vice-ministers of State, the representatives of the Office of the President, the presidents or directors of autonomous and governmental bodies and other public officials whose appointment or dismissal is not otherwise decided by the Constitution and law;

(g) To assume such legislative powers as are delegated to him by the National Assembly during its recesses;

(h) To direct the Republic's international relations, enter into international treaties, conventions or agreements and appoint the heads of diplomatic missions;

(i) To decree and put into effect the State of Emergency in those cases provided for by the Constitution and to transmit the Decree to the National Assembly for ratification within a period of not more than 45 days;

(j) To issue regulations for legislation;

(k) To award national honorary titles and decorations;

(l) To organize and direct the Government and to preside over cabinet meetings;

(m) To direct the country's economy, and decide on economic and social policy and programmes;

(n) To submit to the National Assembly lists of three candidates for election as Supreme Court judges, judges of the Supreme Electoral Council and the comptroller of the Republic;

(o) To submit to the National Assembly, either personally or through the Vice-President, the annual report and any other special reports and missives;

(p) Such other powers as are conferred on him by the Constitution and law.

34. The President of the Republic decides on the number, organization and competence of the ministries of State and autonomous and governmental bodies. Ministers, vice-ministers, presidents or directors of autonomous or governmental bodies are entitled to immunity.

35. In order to serve as a minister, vice-minister, president or director of an autonomous or governmental body individuals must be:

Nicaraguan nationals;
Fully entitled to their political and civil rights;
Not less than 25 years of age.

36. Ministers, vice-ministers, presidents or directors of autonomous and governmental bodies are responsible for their acts, in conformity with the Constitution and law.

B. ORGANIZATION OF THE JUDICIARY

37. The organization and jurisdiction of the judiciary are covered by articles 154 to 167 of the Constitution.

38. Justice derives from the people and is handed down in its name and on its behalf by the judiciary, made up of such courts as are established by law.

39. The Courts form a unified system, whose supreme body is the Supreme Court.

40. The jurisdiction of the Courts is exercised by the judiciary. There is a military jurisdiction, the exercise of which is regulated by law.

41. The administration of justice guarantees the principle of due legal process; it protects and safeguards human rights by the application of the law in matters or cases within its competence.

42. In order to be a Supreme Court Judge, an individual must be:

A Nicaraguan national;
A lawyer;
Fully entitled to his political and civil rights;
Not less than 25 years old.

43. Judges serve for a six-year term and may be removed only on the grounds stipulated by law.

44. Judges are entitled to immunity.

45. The Supreme Court of Justice is composed of a minimum of seven Judges elected by the National Assembly from lists of three candidates prepared by the President of the Republic.

46. Judges take office before the National Assembly, after having sworn allegiance to the law.

47. The President of the Supreme Court of Justice is appointed by the President of the Republic from among the Judges elected by the National Assembly.

48. The Supreme Court of Justice has the following functions:

(a) To organize and direct the administration of justice;

(b) To hear and decide ordinary and extraordinary appeals submitted against decisions by the courts of the Republic, in accordance with the procedures laid down by law;

(c) To hear and decide remedies of amparo for violations of constitutional rights, in accordance with the Amparo Act.

(d) To hear and decide actions of unconstitutionality filed in accordance with the Constitution and the Amparo Act;

(e) To appoint Appeal Court judges and judges of the courts of the Republic, in accordance with the procedure laid down by law;

(f) To draw up its rules of procedure and to appoint its personnel;

(g) Such other functions as are conferred on it by the Constitution and law.

49. Members of the judiciary are independent in the performance of their functions and owe obedience only to the Constitution and to the law; they are governed, inter alia, by the principles of equality, public proceedings and the right to a defence. Justice is free in Nicaragua.

50. The administration of justice is organized and operates on the basis of popular participation, as determined by law. The members of the courts have the same powers in the exercise of their jurisdictional functions, whether they are lawyers or not.

51. The decisions and judgements of the courts and judges are binding upon the State authorities, the organizations and natural and legal persons concerned.

C. ORGANIZATION OF THE LEGISLATIVE BRANCH

52. Legislative authority is vested in the National Assembly, by delegation and mandate from the people. The National Assembly comprises 90 Representatives and their respective deputies, who are elected by universal, equal, direct, free and secret ballot in regional constituencies according to a system of proportional representation regulated by the Electoral Act. The number of Representatives may be increased on the basis of the general population census in accordance with the law.

53. Candidates for the Presidency and Vice-Presidency of the Republic who have taken part in the relevant elections but have not been elected, are also members of the National Assembly, as full and substitute Representatives respectively; for this purpose, they must have received nationally a number of votes equal to or higher than the average quotient of the electoral district.

III. GENERAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

54. Which judicial, administrative or other competent authorities have jurisdiction affecting human rights?

Judicial authorities: The local and district judges, the appeal courts and the Supreme Court;

Administrative authorities: The Ministry of the Interior, the national police, the public prosecutors;

The Inspectoría Civil de Responsabilidad Profesional (civil inspectorate of professional responsibility) is a complaints department which, after examining a case, may put forward disciplinary recommendations to the police hierarchy. It is not a punitive agency.

55. What remedies are available to an individual who claims that any of his rights have been violated and what systems of compensation and rehabilitation exist for victims?

The rights laid down in the Constitution and in the Codes of Criminal and Civil Procedure;

The right of appeal against any act, decree or any regulation, on grounds of unconstitutionality is available to contest any act or omission by any official, authority or agency that violates or attempts to violate the rights and guarantees enshrined in the Constitution;

The remedy of amparo against any provision, act or decision and in general any act or omission by any official, authority or agency that violates or attempts to violate the rights and guarantees enshrined in the Constitution;

The remedy of habeas corpus which applies on behalf of persons whose freedom, physical integrity and security have been violated or are in danger of being violated;

The law provides for two forms of redress: material (financial, compensation or restitution) and moral;

Rehabilitation: material, educational, moral or psychological rehabilitation which the law authorizes any authorities that deem it necessary to provide, depending on the circumstances.

56. Are any of the rights referred to in the various human rights instruments protected either in the Constitution or by a separate bill of rights and, if so, what provisions are made in the Constitution or bill of rights for derogations and in what circumstances?

They are protected by the Constitution.

Circumstances in which derogations may be made:

Constitution, article 185: " ... The President of the Republic may suspend throughout the whole or in part of the national territory, the rights and guarantees enshrined in this Constitution in case of war or when so required for the security of the nation ... by economic circumstances or in case of national catastrophe ..." (the decree declaring a state of emergency may be only for a specified period of time, which may be extended).

Constitution, article 186 "... He may not suspend the following articles: 23; 25, para. 3; 27; 29; 33; para. 2.1 final part, and paras. 3 and 5; 34 with the exception of paras. 2 and 8; 35-44; 46-48; 51; 56-65; 67, para. 1; 68, para. 1; 69-76; 78-81; 84-87; 89-91. * (see annex 1)

57. How are human rights instruments made part of the national legal system? They are set out in two sections of the Constitution:

(a) Chapter I, Title IV, Rights, Duties and Guarantees of the Nicaraguan People: (arts. 23-46), Individual Rights.

The right to life; the right to individual freedom; to security; to recognition of the individual's legal personality and capacity; to privacy and to family life to the inviolability of the home, correspondence and communications; to respect for honour of reputation; to equality before the law; to amparo and protection by the State and its diplomatic representatives abroad; the right to freedom of expression and to profess or not to profess a religion; the right to travel and take up residence in any part of the national territory and freely to enter and leave the country; the right not to be compelled to perform any act not required by law or to be prevented from doing anything it does not prohibit; the right not to be arbitrarily detained or imprisoned or to be deprived of liberty, except on grounds that are justified by law and in accordance with legal procedure; the right of persons facing trial to be tried on equal terms, to be presumed innocent until they have been proved guilty in accordance with the law; the right to be tried without delay by a competent court established by law; the right not to be removed from the jurisdiction of a competent judge, except in those cases provided for by the Constitution and the law; the right to intervention on their own behalf and to a defence from the outset of the proceedings as well as to adequate time and means to prepare their defence; the right to have a court-appointed lawyer when legal counsel has not been designated, or when there has been no prior call; persons awaiting trial are entitled to freely communicate and in private with their counsel and to the free assistance of an interpreter if they do not understand or speak the language used by the Court; they may not be compelled to testify against themselves or against their spouse or partner in a stable de facto union, or against their relatives to the fourth decree of consanguinity or the second decree by marriage, or to admit their own guilt; they are entitled to be acquitted or convicted within the legal deadlines by the court to appeal to a higher court for a review of their case if they have been convicted for any offence; they may not be retried for any offence of which they have been finally convicted or acquitted; they may not be tried or convicted for any act or omission which, at the time it was committed, was not unequivocally classified by law as a punishable offence, nor may they be given a sentence which has not been previously established by law; criminal trials must be public, although in certain cases the press and general public may be excluded for moral reasons, reasons of public order or national security; minors may not be subject to nor the object of judgements nor may they be subjected to any legal proceedings (a special law regulates this matter); all persons have the right to respect for their physical, psychological and moral integrity; the right not to be subjected to torture or to cruel, inhuman or degrading procedures, punishment or treatment; the penalty shall not extend beyond the person convicted (no sentences which individually or cumulatively total over 30 years may be handed

down); the law is not retroactive, except in criminal matters for the benefit of persons convicted; in Nicaragua, the penal system is humane and its fundamental objective is to reform prisoners to reintegrate them into society; women have the right to be imprisoned in separate prisons from men; no one may be subjected to servitude (slavery and all forms of the slave trade are prohibited); no one may be imprisoned for debt (this principle does not limit the mandates of the competent legal authorities for the non-payment of maintenance of alimony); the right of asylum is guaranteed; Nicaraguans have the right to own personal property; persons whose constitutional rights have been violated or are in danger of being violated may apply for habeas corpus or for amparo, as appropriate; within the national territory, all persons are entitled to the protection of the State and to recognition of the inherent rights of the individual, to unrestricted respect for and promotion and protection of human rights and to full enjoyment of the human rights enshrined in the Universal Declaration of Human Rights, in the American Declaration of the Rights and Duties of Man, in the International Covenant on Economic, Social and Cultural Rights and in the International Covenant on Civil and Political Rights of the United Nations, as well as in the American Convention on Human Rights of the Organization of American States.

(b) Chapter II - Political rights (Articles 47 to 55)

This Chapter establishes that Nicaraguans who have reached 16 years of age are considered citizens; that only citizens enjoy the political rights set forth in the Constitution and laws, without any limitations other than those established for reasons of age. It also establishes the unconditional equality of all Nicaraguans in the enjoyment and exercise of their political rights and in the performance of their duties and responsibilities (there is complete equality between men and women); as well as the obligation of the State to remove obstacles that impede effective participation by Nicaraguans in the political, economic and social life of Nicaragua. Urban and rural workers, women, young people, farmers, artisans, intellectuals, artists, members of religious orders, the communities on the Atlantic Coast and the population in general are entitled without discrimination to form organizations; citizens have the right to participate on equal terms in politics and in the running of the State; citizens have the right to elect and to be elected in periodic elections and to stand for public office; citizens have the right to petition, to denounce irregularities and individually or collectively to submit constructive criticisms to the governmental or other authorities, to obtain a rapid solution or reply and to be informed within the legal time-limit of any decision taken; they have the right to peaceful assembly and to demonstrate and mobilize in public; Nicaraguans have the right to organize or join political parties in order to participate in exercise or contend for power.

(c) Chapter III - Social rights (Articles 56 to 69)

Nicaraguans have the right to work in accordance with their human nature; Nicaraguans have the right to education and to culture; Nicaraguans have an equal right to health (the State will establish basic conditions for the promotion, recuperation and restoration of health); Nicaraguans have the right to a healthy environment (the State is obligated to preserve, protect and restore the environment and natural resources); the State guarantees the right

to social security; the State will endeavour to establish programmes to ensure adequate availability and equitable distribution of food; Nicaraguans have the right to decent housing, to sports, to physical education, recreation and leisure; they have the right to truthful information; the right to inform is a social responsibility; the mass media are at the service of the national interest; all persons either individually or collectively, have the right to express their religious beliefs in private or in public, by worship, practices and teaching.

(d) Chapter IV - Family rights (Articles 70 to 79)

Nicaraguans have the right to State protection for the family; Nicaraguans have the right to form a family; the State protects marriage and de facto union; the State provides special protection for the process of human reproduction (women receive special protection during pregnancy and are granted maternity leave with pay and appropriate social security benefits); all children have equal rights; the State must establish special programmes and centres for the care of minors; the elderly have the right to the protection of their families, society and the State; the State protects responsible fatherhood and motherhood; the right of adoption, exclusively in the interest of the overall development of the minor, has been established.

(e) Chapter V - Labour rights (Articles 80 to 88)

Work is recognized as a social right and responsibility; workers have the right to participate in the management of enterprises; workers have the right to working conditions that ensure: equal wages, payment in legal tender, an eight-hour day, rest, holidays, a 13th month bonus, job security, social security and overall protection for workers and their families, as well as working conditions that guarantee their physical integrity, health, hygiene and the reduction of occupational hazards; the right to strike is recognized; minors are prohibited from working; workers are entitled to cultural, scientific and technical education; all Nicaraguans are entitled freely to choose and exercise their profession or trade; full trade-union freedom exists in Nicaragua; workers possess the inalienable right to enter into individual or collective agreements with their employers.

(f) Chapter VI - The rights of the Atlantic Coast Communities (Articles 89 to 91)

The Atlantic Coast communities have the same rights and obligations as all Nicaraguan people; they have the right to free expression and to the preservation of their languages, art and culture; they are entitled to protection of their rights as minorities, on account of their language, culture and origin.

Penal and Civil Code

58. Article 46 of the Constitution, under Title IV "rights, duties and guarantees of the Nicaraguan people", Chapter I, Individual Rights, stipulates as follows:

> "... All persons in the national territory shall enjoy protection and recognition by the State for the inherent rights of human beings, as well as unrestricted respect, promotion and protection of human rights, and the full exercise of the rights set forth in the Universal Declaration of Human Rights; the American Declaration of the Rights and Duties of Man; the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights of the United Nations, and the American Convention on Human Rights of the Organization of American States."

59. Can the provisions of the various human rights instruments be invoked before, or directly enforced by, the courts, other tribunals or administrative authorities or must they be transformed into internal laws or administrative regulations in order to be enforced by the authorities concerned?

60. They may be applied by the judicial and administrative authorities once the instrument has been ratified or Nicaragua has acceded to it and the relevant decree of ratification or accession has been published.

61. Are there any institutions or national machinery with responsibility for overseeing the implementation of human rights?

62. Such institutions and machinery exist. They are the following: the courts, the Attorney-General's Office, the Civil Inspectorate of Professional Responsibility, which deals with complaints of violations involving members of the police; and the Human Rights Commission of the National Assembly, which hears complaints and makes recommendations.

63. The Office of the Military Assessor of the Sandinist People's Army, receives complaints of violations or abuses committed by members of the Sandinist People's Army (APS).

64. The Tripartite Commission comprising the Office of Cardinal Miguel Obando y Bravo, the International Support and Verification Commission (CIAV-OEA) and the Central Government deals with cases of violations or complaints against former members of the Nicaraguan Resistance and other sectors of the population.

IV. INFORMATION AND PUBLICITY

65. Please indicate whether any special efforts have been made to promote awareness among the public and the relevant authorities of the rights contained in the various human rights instruments. The topics to be addressed should include the manner and extent to which the texts of the various human rights instruments have been disseminated, whether such texts have been translated into the local language or languages, what government agencies have responsibility for preparing reports and whether they normally receive information on other inputs from external sources, and whether the contents of the reports are the subject of public debate.

66. The policy of Peace, Freedom, Democracy and Development pursued by Nicaragua's present Government is indissolubly linked to respect for and full

exercise of the human rights of all Nicaraguans. These principles underlie the present Government's firm commitment to developing a human rights policy that is coherent and consistent both in theory and in practice.

67. In order to ensure protection of, respect for and promotion of human rights during Nicaragua's transition to democracy, it was necessary immediately to streamline and modernize institutional machinery.

68. Thus, as part of the strengthening of institutional human rights machinery, the Ministry of the Interior established the "Civil Inspectorate of Professional Responsibility" with two main functions: training, in order to raise the standard of civic education among the police; and secondly, conducting preliminary investigations into complaints of abuses committed by members of the police, collecting information, as appropriate, and recommending administrative penalties for minor offences, or referring cases possibly involving more serious offences, to the office of the appropriate assessor. A central team of investigators receives regional support from the civil representatives of the Governors.

69. In connection with the educational function of the Civil Inspectorate of Professional Responsibility, the central Government has organized a series of seminars, workshops, conferences and courses on human rights for members of the police and other departments of the Ministry of the Interior, as well as for other public officials responsible for the administration of justice.

70. For its part, the Ministry of Education has introduced a human rights course as a compulsory subject in primary and secondary school curricula.

71. Two Nicaraguan universities, the Universidad Centroamericana (UCA) and the Universidad Nacional Autónima de Nicaragua (UNAN), have also established chairs of human rights within their law faculties, and have introduced human rights as an optional subject in other courses.

72. Radio broadcasts sponsored by local NGOs also help to provide information on and publicize human rights. The same organizations also contribute by organizing seminars for the armed forces and the police.

73. As part of the continuing human rights programme of the European Community, large-scale "special projects" are being set up to provide information on human rights in former conflict areas.

74. In order to strengthen administrative bodies endeavouring to provide ordinary citizens with the means of pressing their rights and demands before the State authorities, the Government of Nicaragua has set up the Office of the Human Rights Ombudsman to investigate human rights violations and monitor observance of the human rights agreements which Nicaragua has ratified.

75. Briefly, the purpose of the Ombudsman's Office is to promote and protect human rights and ensure that citizens enjoy and exercise them to the full.

76. Moreover, the Government led by Mrs. Violeta Barrios de Chamorro is earnestly striving to improve the overall situation of Nicaraguans and raise levels of education and employment, access to health, culture and social

security so that individuals are able to lead a decent life and that human rights are perceived as instruments of change and as the way to a juster and more humane society. In this connection, the Executive has drawn up a plan of action to combat poverty and its serious consequences. The plan involves the Ministries of Health, Education, Social Welfare and Economics and the Office of the Vice-President of the Republic, together with two new especially established agencies: the Emergency Social Investment Fund (FISE), and the Fund for the Underprivileged Sectors (FASO).

77. FISE is an agency for the management and administration of local and foreign funds for the financing of emergency projects. Its purpose is to encourage the full development of the capacity of the poor, by integrating them into the country's social and economic development, improving their living conditions, providing support for their productive activity and contributing to the promotion of and respect for their human rights.

78. FASO was established for the purpose of implementing support projects for small industries and for training the war-wounded.

79. Reports on human rights are as a rule prepared by the Ministry of Foreign Affairs, with the cooperation of other government bodies concerned. However, reports under International Labour Organisation conventions are prepared by the Ministry of Labour and their contents discussed with employers' and workers' associations.

A. INFORMATION ON DE FACTO DISCRIMINATION AGAINST WOMEN IN NICARAGUA

80. Pursuant to its programme and in view of the seriousness of the current crisis, the Government of Nicaragua has focused on women as beneficiaries of the country's overall policies; in November 1990 it revived the Nicaraguan Institute for Women (INIM). In January 1991 INIM became part of the Cabinet.

81. It is fully and clearly appreciated that Nicaraguan women and their families are disadvantaged, and that a solution to their problems does not depend on women alone, but on the State and society at large. A fundamental means of changing this situation is through active participation by women in the country's sustainable development process and by ensuring they benefit from development.

82. The main factors associated with this situation are of a legislative, socio-economic, ideological or cultural order, together with other "invisible" factors which lead to the subordination of women, principal among them being that, in addition to their domestic role, women take other jobs in order to supplement family income, as a result of which they have a double working day.

83. Another negative factor is that Nicaraguan women have their first pregnancies at a very early age, placing them at risk, particularly in the case of young women and women over 35. Furthermore, the effects of malnutrition and a poor diet from childhood, together with the short intervals between pregnancies, the large number of children and the exhaustion caused by a double working day cause women to age prematurely and entail a high risk to them, thus raising maternal mortality rates.

84. The alarming increase in the number of households headed by women, above all among the poor, is principally attributable to male migration and to the fact that husbands or male partners abandon their families. In such circumstances, women become the main moral and economic support of children and relatives. Thus, young women and female heads of household among the urban and rural poor have been earmarked, on account of their specific circumstances, as priority groups to benefit from the Government's social and economic policy.

85. Accordingly, in 1990 the present Government of National Salvation's concern about the social situation led it to decide, in accordance with its programme of government, to extend to the "historically marginalized and exploited sectors of Nicaraguan society the material and spiritual benefits produced by society as a whole, thereby broadening the scope of social justice".

86. In accordance with this principle, social policy includes among its overall objectives the following specific women-oriented aims:

87. "... to facilitate and promote access by women to the basic services of health, work, housing, food, nutrition, training and skills so that they are able to participate in the various aspects and spheres of Nicaraguan society on an equal footing ...".

88. To achieve this, priorities have been identified, including female heads of poor households in order to enhance their participation in the generation of employment and incomes, in health and welfare, education and culture.

89. The Nicaraguan Institute for Women (INIM) acts as the lead agency for this overall social policy and as such:

(a) Participates in formulating overall policy to promote full equality of opportunity between men and women;

(b) Coordinates and provides advice, in conjunction with government institutions, to programmes and projects so that a gender-based approach is adopted in planning and implementing them;

(c) Develops awareness, at grass-roots and government levels, of gender issues in general, and of the situation of Nicaraguan women in particular, in order to promote measures to eliminate any form of discrimination on grounds of sex, race, religion or disability.

90. The principal programmes and activities undertaken by INIM may be summarized as follows:

(a) Active participation in formulating social policy;

(b) Development of the programme to provide overall care for women, which is based on inter-institutional coordination, in conjunction with municipal authorities and non-governmental organizations. This programme is intended for female heads of household and breadwinners, and aims to meet their specific needs as women;

(c) The Women, the Environment and Development Programme (PMMAD), which emerged as a result of the fifth meeting of Central American first ladies (November 1991) and whose main objective is to generate employment and income for poor women in urban and rural sectors within the framework of environmental protection and conservation measures;

(d) The establishment of the Commission to Combat Violence against Women;

(e) The Commission to Reduce Maternal Mortality, comprising a number of international, governmental and non-governmental organizations;

(f) The development of gender awareness by means of workshops and seminars for women from all the country's economic, social and political sectors to address the issues of sexual education, family planning, contraception and parent-child relations. These are run on a team basis within communities.

B. DEVELOPMENTS WITH REGARD TO THE MISKITO PROBLEM AND THEIR EFFECTS ON THE RIGHTS SET FORTH IN ARTICLES 10 TO 12 OF THE COVENANT

91. During the previous administration, serious problems arose with most of the indigenous groups in the Atlantic region of the country. These problems involved land ownership, use of resources - owing to legal and constitutional incompatibilities - and acculturation. The adoption of the "Act Relating to the Autonomy of the Atlantic Region" lessened the influence of these problems on relations between the central Government and the ethnic groups.

92. However, the problem had again worsened because of the military conflict, which most seriously affected the rural areas on the border with Honduras, where there is a high concentration of Miskito and Sumo groups. The result was large-scale population displacements, destruction of production centres and the interruption of the normal functioning of services, the justice system and the public administration, which was highly conducive to social anarchy and economic chaos.

93. When the current President of the Republic, Mrs. Violeta Barrios de Chamorro, took office, these problems reached their lowest ebb, and there has been no subsequent resurgence of any tensions or symptoms of any impending crisis.

C. INTERNATIONAL COOPERATION AND ITS REPERCUSSIONS ON THE RIGHTS SET FORTH IN ARTICLES 10 TO 12 OF THE COVENANT

94. In 1993, the Public Investment Plan (PIP) will total 1,310 million córdobas (oro) (US$ 218 million). The Plan allocates 58 per cent to economic infrastructure, 23 per cent to the production sector, 17 per cent to social infrastructure and 2 per cent to other areas. Seventy-four per cent of the PIP will be financed with external resources (36 per cent grants, 38 per cent loans), 16 per cent with government funds and 10 per cent with resources provided by the agencies executing the projects. It is estimated that the PIP will create approximately 12,800 direct jobs and 19,200 indirect jobs, for a total of 32,100 permanent jobs.

95. In public investment the central Government gives top priority to social matters, which form the nucleus of its overall development policy.

96. Solving social problems in Nicaragua is therefore directly linked to the country's economic growth and requires us to combine our growth strategy with activities aimed at improving the country's human capital and alleviating poverty, especially among those Nicaraguans who have difficulty availing themselves of the benefits of widespread growth.

97. These activities are based on a social strategy that consists of two main elements. The first is the strengthening of the ministries in the social sector to enable them to promote more and better services at less cost; with regard to the second, the Government has begun a significant expansion of the Socio-Economic Investment Fund (FISE) and the National Reconciliation and Rehabilitation Programme (PRRN), which will serve as safety nets for the most vulnerable members of the population during the period of economic transition required by our structural adjustment programme.

98. The first step in health sector policy has been to restore the primary health-care network, which had been disrupted by the war and economic crisis. The Government has initiated disease-prevention programmes such as the child vaccination programme, pre-natal and post-natal care programmes, nutrition programmes and sanitation and clean drinking water programmes.

D. ARTICLE 10 - PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

Development of the infant mortality rate since 1986

99. Combating infant mortality is a priority of the Ministry of Health. The number fell from 4,537 in 1990 to 3,055 in 1991, i.e. 1,482 lives. This was basically due to the decrease in deaths from diarrhoea (786 fewer than the previous year), which in turn was achieved through intensive work on cholera- and diarrhoea-prevention and control.

100. Deaths from acute respiratory infections decreased by 138, despite the fact that there were 38,000 more medical consultations (cases) for acute respiratory infections than in the previous year.

101. Deaths of newborn infants (perinatal deaths) due to birth-related problems also decreased by 412 from the previous year.

Normative development of the right of the family since the promulgation of the 1987 Constitution

102. In her electoral platform, Mrs. Violeta Barrios de Chamorro stated the following with regard to the "family unit":

> "... Priority will be given to elaborating plans for the full moral, economic and social recovery of the Nicaraguan family unit, the main goal being to restore its moral principles and values ...".

103. Similarly, the Political Constitution of the Republic, promulgated in 1987, continues to be fully in force and provides the basic legal framework for the current democratic process and the basis for the rule of law.

104. For that reason, and in keeping with the advances in social, labour, ethnic and family matters achieved by Nicaraguan society in the past decade, the Government has decided to strengthen and extend further the legal, procedural and constitutional legislation that covers the welfare of all Nicaraguans.

105. On the one hand, two laws benefiting the Nicaraguan family have recently been enacted:

(a) The Food Act, or Act No. 143 of 18 February 1982, which governs the right to receive food and the obligation to provide it. The right to food is vested in the family, and the Act also governs secondarily, the obligation to provide food on a regular basis, for nutritional purposes;

(b) The Penal Code Reform Act. The criminal legislation encompasses offences against the physical, moral and psychological integrity of women. These offences are: rape, abduction and assault and battery. The Penal Code contained discriminatory provisions differentiating between women on the basis of moral integrity or reputation. The idea that only women could be victims of acts of violence was also discarded, with violence being seen as a social problem affecting girls and boys, women and men.

106. Special protection has also been extended to the family through collective agreements: pregnancy and childbirth, women, reproductive health, training, hygiene and occupational safety are some examples.

(a) MINSA-FETSALUD collective agreement of 17 June 1989; clause XV, "demands of women health workers";

(b) Collective agreement between Empresa Textilera de Nicaragua, S.A. and trade union; clause 27;

(c) Collective agreement between Empresa Nacional del Vestuario and trade union; clause 8, childbirth;

(d) Collective agreement for the construction industry, article 42, female workers and childbirth;

(e) Collective agreement between Empresa Agropecuario Jacinto Hernández and trade union, article 26, Rights of pregnant workers;

(f) Collective agreement, Plywood de Nicaragua, clause 8, Benefits;

(g) Collective agreement, Ministry of Education and National Teachers' Association of Nicaragua, article 12, Children's education centres.

107. The following are the main rights guaranteed in the agreements:

(a) Maternity benefits

1. Glass of milk and adequate diet for pregnant workers and nursing mothers up to six months.

2. Exclusion of pregnant workers from night work from the sixth month of pregnancy.

3. Transfer of pregnant workers away from places where harmful radiation exists.

4. Supplementary wage in the amount not covered by insurance.

5. Childbirth assistance.

6. Guarantee that the worker receiving the benefit will retain her job.

7. Placement of pregnant workers in jobs that are not too demanding and do not endanger their health or the development of the foetus.

8. Maternity leave of four weeks preceding the birth and eight weeks following the birth.

9. Pre-natal assistance and medical check-ups.

10. Fifty per cent bonus during the pre-natal and post-natal periods.

(b) Family benefits

1. Leave with pay for women workers with children under 10 when the children are ill.

2. Flexible working hours for mothers with disabled children.

3. Leave for getting married and for childbirth;

4. Aid for funerals.

5. Aid and leave for the death of a member of the immediate family.

6. Paid leave when a member of the immediate family is seriously ill or hospitalized.

7. Sale of school uniforms.

8. Construction of Child Development Centres (CDI).

9. Supply of milk to rural children's services.

10. Health care for the families of agricultural workers.

11. National and foreign scholarships for educational workers and their children.

12. Commissary and basic food basket.

13. Gifts, special end-of-year bonuses, Christmas parties.

14. Cafeteria.

15. Sale of by-products.

16. Medical attention for workers with severe malnutrition.

17. Group life insurance.

18. Pre-school supplies and premises.

(c) Reproductive health benefits

1. Medical check-up as often as necessary and at least every six months. For women workers, the check-up includes voluntary gynaecological examinations, and those working with pesticides are examined every two months for as long as the work continues.

2. Specialized medical attention.

(d) Training

1. Adult education of up to two and a half hours daily, with pay.

2. Financial aid for workers enrolled in classes.

(e) Health and occupational safety

1. Death benefits.

2. Group insurance.

3. Improvement of clinics in work places.

4. Training in health and occupational safety.

5. Forming of a health committee to ensure proper working conditions.

6. Funeral costs and other allowances.

E. OUTLINE OF THE STRUCTURE AND FUNCTIONS OF THE NICARAGUAN SOCIAL SECURITY INSTITUTE

FUNCTIONS

108. The Nicaraguan Social Security and Welfare Institute (INSSBI) is responsible for establishing, organizing and administering the various

national social security systems; collecting contributions and other Institute income; granting the benefits set forth by law; investing its funds in accordance with the legislation in force; conducting required socio-economic research on the influence of social factors on the welfare of the population, productivity and national economic development; developing, in cooperation with other institutions, education in scientific and technical disciplines connected with social security; helping to improve the living standards of the recipient population and carrying out all other activities that are conducive to the Institute's goals, in accordance with the general aims of national plans in the field of social security.

STRUCTURE

109. The Nicaraguan Social Security and Welfare Institute (INSSBI) is structured as follows:

> "... Chapter I, 'Organization', article 110. The following shall be the bodies of the Institute:
>
> (a) Board of Directors
>
> (b) President and Vice-President
>
> (c) Technical Board
>
> (d) Internal Audit
>
> (e) The administrative services required for its functions.

F. LEGAL ALIGNMENT OF THE UNDERTAKINGS OF NICARAGUA AS A STATE PARTY TO THE ILO CONVENTION ON THE EMPLOYMENT OF MINORS WITH WORK BY CHILDREN AGED 12 TO 14, AS REFERRED TO IN PARAGRAPH 41 OF THE REPORT (E/1986/3/Add.15)

110. Because of the nature of the work involved, children in Nicaragua are not employed in industry. On farms - that is, in agricultural work - children are permitted to work in the sowing and harvesting seasons to supplement their parents' income.

G. SITUATION OF ORPHANS AND ABANDONED CHILDREN, AND NUMBER OF CHILDREN AND YOUNG PEOPLE WHO ARE NOT COVERED BY THE SOCIAL SECURITY SYSTEMS

111. Through its social welfare component, the Nicaraguan Social Security and Welfare Institute is responsible for conducting social programmes at the national level. These programmes are aimed at the least protected sectors of the population, with special attention to children, the elderly, the disabled and repatriated refugees.

112. Social development in Nicaragua is aimed primarily at promoting, facilitating and coordinating, in the framework of a dynamic concept of respect for human rights, especially children's rights, comprehensive activities involving community participation, aimed at improving the quality of life of the most vulnerable sectors.

113. Encouragement is currently being given to social participation, i.e. to activities that genuinely reflect the needs and problems of individuals, groups and the community. Possible solutions, developed together with the population in question, should take individual potential, skills and capacities into account.

114. This principle of participation involves, on the one hand, fostering self-help among the members of a community, and, on the other, providing areas for the community to organize itself.

115. Poverty will be overcome not by the provision of assistance activities only, but through the creation of real opportunities for self-development, and therefore, for investment in people.

SERVICES FOR CHILDREN AND FAMILIES

116. The Nicaraguan Social Security and Welfare Institute (INSSBI) considers the family to be the most important unit of society and has given high priority to special programmes for its protection, development and full rehabilitation.

117. There are special care programmes aimed at helping provide a stable upbringing for dependent children who are emotionally and/or economically affected by the break-up of their parents' marriage. Physical and emotional rehabilitation is also provided to children who have been ill-treated or who have fallen into bad habits such as alcoholism or drug addiction.

118. Protection and guidance are also given to single fathers and/or mothers who have been left by their spouses and/or troubled as a result of conflicts in the home.

119. Social assistance has increased in recent years, while at the same time, for various reasons, the number of victims has also been growing.

120. The assistance provided to date is reflected in the following statistics:

(a) In 1992 1,701 cases of marital conflict were treated and 4,630 cases of family conflict relating to problems with children;

(b) Family protection activities included 8,037 complaints of lack of parental responsibility, for which child support allowances are to be created through administrative channels;

(c) There were 4,374 cases of children with psycho-social problems, or who were victims of abuse, drug addiction, prostitution, etc.

(d) Care was provided for 500 children in foster homes, 350 in State-assisted homes and 150 in voluntary homes.

121. Education programmes in general deal with topics relating to sex education, such as family planning, birth-control methods, relationships between mother, father and children, etc. These programmes are conducted by teams in the various rural and urban communities throughout the country.

122. There are 30 child development centres in operation throughout the country. Pre-school activities are handled by the Ministry of Education as a special programme in ordinary schools throughout the country.

123. Programmes called "community canteens" provide aid to private households. There are currently 10 of them in the community of Managua. They train people in the use of soya as a foodstuff. The programme covers 1,500 children, pregnant women and old people in various communities.

124. INSSBI also supports a programme called "Support and assistance to families for the prevention and resolution of family conflicts".

125. Zonal welfare units, located at different points in the city of Managua, and departmental units throughout the country conduct special courses called "Parents' schools", which deal with the various conflicts that arise within families and are therefore harmful to children. Courses are conducted on an individual basis, or with couples when so required.

126. The Nicaraguan Institute for Women deals with the problem of domestic violence against women from various points of view: social, legal, psycho-social and therapeutic. Other bodies, such as the IXCHEN Women's Centre, also deal with this problem.

127. The INSSBI Office for Children and the Family is currently promoting a project called "Children and the Family", with technical and financial support from INSSBI-UNICEF.

128. The following definitions were included in the Government's plan of action for 1991-1996, prepared by the National Commission for the Protection of Nicaraguan Children in response to the commitment made at the Summit of heads of State in 1990, where the Convention on the Rights of the Child was ratified. Specialists from various State agencies took part in preparing it.

129. Children in especially difficult circumstances: this includes all children under 16 who for various reasons are living in a situation involving serious physical, psychological and social risks that prevent them from developing fully and might even cause them permanent harm.

130. Children in especially difficult circumstances can be divided into the following subgroups or categories:

131. Children in need of legal protection: this includes all children excluded from the legal system, both those who commit offences and those who are the victims of offences.

132. Children fending for themselves: these are children working in the formal or informal sector or children performing marginal activities in order to support themselves; it includes those working within or outside the family unit, whether or not they are paid.

133. Such children are estimated to number 112,000, of whom 20,000 are located in urban areas, 13,000 in Managua and the rest in the main urban centres of the country.

134. In the rural areas, therefore, there are 92,000 such children, mainly in former regions I, II, III, IV, V and VI.

135. Street children: the family ties of such children, when they exist, are very tenuous. These children are found in urban areas and are generally heavily involved in the informal sector, where they develop their survival skills.

136. This subgroup numbers slightly over 2,000 children, half of whom live in Managua, with the others living in the principal cities of former regions I, II, III, IV, V and VI.

137. Children who have been ill-treated or abandoned: these are children who are occasionally or regularly subjected to physical, sexual or emotional abuse, both in the family unit and in social institutions. Ill-treatment includes total or partial abandonment.

138. From January 1990 through June 1991, INSSBI dealt with a total of 3,500 cases throughout the country; the actual number of children concerned is estimated to be much higher.

139. Children in institutions: this includes all children who for any reason whatsoever live either temporarily or permanently in institutions; there were 16,000 such children in mid-1992, in 24 institutional centres throughout the country.

140. Children in need of social protection: this includes children from 0 through 6 years of age who require preventive or curative health services and medical check-ups. There are 63,000 such children in the extreme poverty category throughout the country. Approximately 50,000 such children belong to the ethnic groups of the Atlantic coast.

141. Children in armed conflicts: these children are direct or indirect victims of the war, the consequences of which have hindered or destroyed their biological and psycho-social development. They number 24,000, including wounded children, children who have lost one or both parents, displaced children, refugee children, repatriated children, demobilized children or children of demobilized parents.

142. Although such children are distributed throughout the national territory, they are found mainly in the war zones where military clashes have taken place and in areas where the displaced, repatriates and demobilized have settled: former regions I, V, and VI or the North Atlantic Region (RAAN) and South Atlantic Region (RAAS).

143. Children in natural and ecological disasters: this includes children affected by natural disasters and also those suffering the consequences of long-term phenomena such as ecological disasters.

144. There are 126,000 such children, distributed as follows: 112,000 were the victims of Hurricane Joyce in 1988; 8,000 of the flooding of the Rama in 1991; and 3,000 of the 1992 tidal wave.

145. There have been 1,500 children exposed to lead poisoning in Managua.

146. There have been 600 child victims of pesticide poisoning in Managua and Chinandega.

147. There are 900 children performing agricultural work, including direct handling of agricultural chemicals in former region I. Within this category, tne number of children who have suffered harm from other types of environmental contamination and the indiscriminate exploitation of natural resources remains to be established.

148. Children in especially difficult circumstances: despite the fact that this is such a large group, society remains largely unaware of the situation of "children in especially difficult circumstances".

149. Most of these children, especially war victims, are found in socially, economically and culturally marginal communities. Institutional responses to this problem are insufficient in a developing country like Nicaragua.

150. Child-care programmes in areas such as health, education, food, protection, prevention and welfare, are severely limited in coverage and effectiveness because of lack of human and economic resources.

151. Government response is of a multisectoral nature, involving greater institutional coordination, increased cooperation with non-governmental organizations and the promotion of joint participation to increase resources and make use of different experiences.

152. Programmes are coordinated through the recently-established Ministry of Social Welfare (see its functions and sphere of activities later in this report).

153. There are 599,300 "children in especially difficult circumstances". However, considering the failure to note some cases and the incomplete information in others, it would not be hazardous to estimate the total number of such children at over 600,000 throughout the country. This figure, which represents one-third of the total child population, makes the problem a genuine NATIONAL EMERGENCY.

ARTICLE 11 - THE RIGHT TO AN ADEQUATE STANDARD OF LIVING

154. Regarding the right to an adequate standard of living, the following should be noted:

155. Since 1990, the Executive has formulated an action plan to combat poverty and the serious consequences thereof. The Ministries of Health, Education, Social Welfare and the Economy and the Office of the Vice-President of the Republic are involved in this plan, together with some newly created agencies: the Fund for Emergency Social Investment (FISE) set up in February 1991 and recently, the Ministry of Social Welfare (MAS).

156. FISE is a body designed to manage and administer local and external resources for the financing of emergency social projects. Its purpose is to

help to meet the pressing needs of the population in a situation of poverty, particularly extreme poverty, as a consequence of the war that the country has experienced and of the structural adjustments that the Government is undertaking in the process of stabilizing the economy. It is doing so through the financing of sound projects which will enable basic needs to be met, and through job creation.

157. FISE seeks to promote effectively the execution of projects which have a high social impact. To that end therefore:

(a) It comes directly under the Office of the President of the Republic and is fully autonomous in its operations. Therefore, it is not bound by the normal procedures of the public sector;

(b) It acts as an intermediary between the sources of financing and the recipients. It does not execute projects. Thus, its functions are to supervise the proper use of the funds, verify the technical quality of the works financed and ensure that the latter benefit the most needy sectors;

(c) It encourages the participation of the community, the public, municipal and private sectors and of non-governmental organizations in general, in project formulation;

(d) It has a bank of projects, a national map of poverty and other socio-economic indices. It can thus channel resources, to meet the unsatisfied basic needs of the population and adapt the project profiles to the specific conditions of operation of the donors, according to their requirements.

158. As to what it is actually doing, it has spent 250 million córdobas, from the start of its operations in 1991 up to December 1992. This amount has been used in managing projects with an average three-month duration, and includes the costs of direct and indirect labour, materials and tools.

159. The funds for financing the projects are provided by international organizations: the Agency for International Development (AID), the Inter-American Development Bank (IDB), the Canadian International Development Agency (CIDA), the Danish International Development Agency (DANIDA), Kreditanstalt Für Wiederaufbau (KFW), England, and the Swiss Office of Cooperation for Development (COSUDE), and from the Government of Nicaragua.

160. As regards job creation, the execution of the projects financed from the start of operations in March 1991 to December 1992 generated 206,160 jobs per month. Of this figure, 89,640 provided direct employment and 116,520 provided indirect employment.

161. During 1993, by February, 6,663 jobs per month had been generated, consisting of 2,299 direct jobs and 3,764 indirect jobs.

162. By area of investment, the funds were distributed as follows:

Execution of social infrastructure projects (primary schools, health institutions, etc.): 40 per cent

Socio-economic sector (municipal markets, drinking water, etc.): 45 per cent

Environment projects (mainly reafforestation programmes): 8 per cent

Social welfare projects (equipment for health, education, nutrition and other programmes): 4 per cent

Vocational training: 3 per cent

THE MINISTRY OF SOCIAL WELFARE

163. The Government of Nicaragua continued its work to improve the worsening living standards of the Nicaraguan population, by creating the Ministry of Social Welfare (MAS) in January 1993.

164. The main aim of this Ministry, as provided in the act establishing it, is the coordination of the Government's social policy and of the measures deriving from it, as well as the proper monitoring and evaluation of them, in order to improve the living conditions of the population and reduce the levels of poverty.

165. In accordance with its main objective, it has the following functions:

(a) To draw up proposals for the formulation of the Government's social policy;

(b) To encourage public participation in the social development process;

(c) To facilitate the implementation of comprehensive measures to benefit vulnerable population groups such as war victims, disabled persons, children in particularly difficult circumstances and helpless elderly persons, and to seek self-support solutions wherever possible;

(d) To facilitate the execution of inter-sectoral regional measures to boost production, and improve infrastructure and social services in the most needy communities;

(e) To promote external cooperation initiatives in order to achieve the goals of the social policy and to assist in channelling the resources thus obtained;

(f) To participate in dealing with national emergencies, by facilitating the care and recovery of populations affected by natural and other disasters;

(g) To work for the integration of Government social and economic policies, and incorporate them into a national development plan;

(h) To formulate policies, plans and programmes which will guarantee the effective participation of women in all areas of the society;

(i) To formulate policies, plans and programmes which will facilitate the integration of ethnic minorities into the process of national socio-economic development;

(j) To coordinate the execution of any social programmes currently under the direction of the Office of the President of the Republic, as well as any other social programme for which the Government is responsible and which is not specifically assigned to a ministry or government body;

(h) To coordinate the drawing up of the public investment plan for the social sector, in line with the priorities of the social policy;

(i) Any other duties assigned to it by legislation or by the President of the Republic.

166. As regards social policy, the three main lines of action are:

To provide the basic social services in order to improve the living conditions of the population and workers' productivity;

To provide a safety net to protect the most vulnerable groups, such as children, the elderly, the most unprotected;

To execute programmes that provide the poor with access to economic opportunities, through cooperatives and micro-enterprises.

167. In practical terms, to deal with unemployment, employment is being promoted in two phases: temporary employment (community) and permanent employment.

168. In the first instance, the aim is to generate resources in basic jobs, which means the investment of funds so that the people can have some kind of employment and income. In the two-and-a-half months since the MAS was set up, 14,600 temporary jobs have been created in 55 communities.

169. As regards permanent employment, programmes are now being started to provide financing for production cooperatives (shoemaking, dressmaking, food, etc.).

170. In order to create both temporary and permanent jobs, the Government has made a specific budget allocation, administered by the Ministry of Social Welfare, of 40 million córdobas (around 6,700,000 dollars), to be used during the year 1993.

171. Briefly within three months of starting operations, MAS has succeeded in implementing six important measures:

The creation of 14,600 temporary jobs in 55 urban and rural communities;

The consolidation into a single body of the agencies created to deal with the country's social problems;

The establishment of a Social Affairs Board which expresses its concerns so that they will be taken into account in the formulation of economic policy;

The commencement of the definition and execution of the social policy;

Initiation of the permanent employment phase through cooperatives which will receive financing through the National Development Bank (BANADES), the Banco Popular and various NGOs;

The conversion of the National Institute for Women (INIM) from a welfare institution into an instrument for the protection of women in the various areas of society.

172. Regarding price control, consistent with the new economic policy whose basic element is the liberalization of the economy, there is currently no form of price control for essential products. Prices are determined by market forces, except in the case of certain basic services which are in the hands of the Government, like electricity, public transport and drinking water, where some price restrictions have been introduced, primarily to help the most vulnerable sectors of society.

173. The activities of the agricultural sector have been substantially changed since April 1990. The former Ministry of Agricultural Development and Agrarian Reform (MIDINRA), has been divided into three departments with separate functions and policies.

174. This means that the Ministry of Agriculture (MAG) has remained as a standard-setting institution of the agricultural sector. In addition, the National Agricultural Board (CONAGRO) has been set up as a sectoral coordinating body, consisting of the Minister of Agriculture and the Directors of the Nicaraguan Agrarian Reform Institute and of the Natural Resources and Environment Institute. CONAGRO is answerable to the Economic Affairs Board and is represented on that body by the Minister of Agriculture.

175. INRA is the body which continues to carry out agrarian reform, but it has now changed its approach. At present, since the previous administration did not legalize land ownership, INRA's main function is to set the standards for and regulate land ownership in order to encourage rural development.

176. To that end, it is now pursuing a process of regulating, legalizing and granting title deeds, starting with the land bank of the agrarian reform initiated by the previous administration. These lands are properties which have not been legally "cleared". In other words, the owners are not in possession of the title deed and, if they are, it is not registered.

177. It is estimated that in May 1990 there were some 700,000 manzanas* of land which had been handed over without any title deed and with a record of transfer as the only documentary proof. Another 300,000 manzanas are in the

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* 1 manzana = 1.75 acres.

hands of peasants without any documentation to prove that they own their land. Only some 30,000 manzanas are calculated to have fully legalized ownership.

178. On the basis of this, the key factor in respect of handing over of land by INRA will be the legal clearance of ownership, taking into account the legitimate owners in the relevant cases.

179. INRA is carrying out a national programme to survey, issue title deeds for and register lands with financing from the World Bank. The most important component of this programme is the issuing of title deeds, which entails a socio-economic, technical and legal study of each property, e.g. measurement of area, topography and fixing of boundaries.

180. INRA's main activities are the Integrated Rural Development Programmes (DRI), the major component of which is production. Other activities include social infrastructure and training in the agricultural technology, organizational and social (education, health and women's programmes) fields.

181. The goal of these programmes is to raise the living standard in the areas where they are being carried out, and thus achieve integrated development. The programmes have a small credit component.

182. Four DRI projects are being executed in the following areas:

Río Blanco
Meseta de Carazo
Chinorte (Chinandega-Norte)
Tasba Raya, in the North Atlantic Zone

183. Regarding credit policy, INRA is involved only in the DRI programmes, which, as stated earlier, have small credit components. Usually DRI confines itself to making recommendations on credit policy. However, it is the State Bank which executes the bulk of the agricultural credit programmes and for this, it requires a title deed. Naturally, given the situation described above regarding the legal status of the lands handed over as part of agrarian reform, this requirement has become a serious obstacle to agricultural financing.

184. As to the progress made in the Nicaraguan Food Programme (PAN), the following observations are called for:

185. Since the restructuring of MIDINRA, in May 1990, the Planning Department of the Ministry of Agriculture (MAG), with support from specialized regional bodies, made a study of the public agricultural sector's institutional framework.

186. One important conclusion of the study was that, despite the work done by PAN, which, moreover, relied substantially on external financing, the public agricultural sector had no structured food security programme which could fit coherently into the various measures being taken by the public and private organizations in that field. Against that background, it is concluded that the goal of having PAN function as a multisectoral coordinating body in the

field of food security was not realized, because with the substantial reduction in its external financing it had lost its capacity to bring together the various sectors.

187. Consequently, in October 1990, MAG decided that one of the key ways to orient the reactivation and development of the agricultural sector was "to increase agricultural food production, with a view to achieving food security for the population and that instead of continuing to depend on grants, to seek opportunities for export to the Central American market". 1/

188. This statement demonstrates the special importance and priority that MAG accords to food security, in accordance with a fundamental goal set by the Office of the President of the Republic, namely, to achieve and guarantee the food security of the Nicaraguan population, as one of the vital elements for consolidating peace and democracy in the country.

189. Against this background, the Vice Minister of the Office of the President, through PAN, convened a meeting of the Ministries of External Cooperation, Education, Health, Economy and Agriculture to form a permanent technical food and nutrition council to assist the Social Affairs Bureau in the areas of food and nutrition with technical assistance from the Nutrition Institute for Central America and Panama and FAO.

190. The role envisaged for PAN was redefined as a special programme assigned to the Ministry, to pursue activities to strengthen the work of the State in respect of food security, especially the measures to promote improvement in the food and nutritional conditions of the vulnerable groups of Nicaraguan society.

191. In line with the new definition of its role, PAN's activities are focused on the following:

(a) Supporting the Ministry in the formulation and execution of food security policies and strategies;

(b) Assisting the Ministry in negotiations, and in monitoring the execution and evaluation of projects, programmes and cooperation and assistance agreements in the area of food, especially those concerning grants of agricultural commodities;

(c) Representing MAG in inter-ministerial and intersectorial technical bodies for the support and coordination of the Government's food policy;

(d) Examining the present food situation and future prospects and the impact of the economic and social policies on national food security;

(e) Providing support for MAG offices in identifying and evaluating projects to increase food production, reduce post-harvest losses and promote a food agro-industry;

1/ Chapter 1 of the document EL DESAFÍO DEL SECTOR AGROPECUARIO: LINEAMIENTOS PARA LA REACTIVACIÓN, Ministry of Agriculture.

(f) Promoting the establishment of machinery for cooperation and coordination between MAG and other national bodies and international agencies concerned with food security and ensuring their proper functioning.

192. MAG and PAN were given the assignment inter alia of monitoring the present calorie intake in Nicaragua. Annex 2 contains tables concerning:

Calorie intake from 1985-1991
Protein intake from 1985-1991

193. Both tables were based on the calorie survey conducted by PAN as contained in Balance Alimentario MAG-PAN.

194. Concerning housing, annex 3 to this report contains a document of the Nicaraguan Housing Bank, entitled "Housing Policy". The document covers three periods in the history of the housing situation in Nicaragua:

1914-1978
1979-1989
1990-

195. The document sets out the housing policies formulated by the Government of President Violeta Barrios de Chamorro, bearing in mind the critical situation inherited from the Sandinist Front administration, regarding both housing itself and housing ownership.

ARTICLE 12 - RIGHT TO PHYSICAL AND MENTAL HEALTH

24. Structure, functions and coverage of the national health system.

25. Percentage of the national budget allocated to health.
Total budget expenditure is 2,535,209,120 córdobas and 28 centavos. The budget approved for the health sector is 480,966,640 córdobas and 77 centavos. The proportion of the national budget allocated to health is therefore 19 per cent.

26. Principal measures for improving environmental or industrial hygiene.

27. Principal programmes of preventive medicine.

28. Principal programmes for the treatment of endemic and epidemic diseases.

196. The answers to questions 26, 27 and 28 are given in the National Health Plan: policy, goals and priorities, programmes, subprogrammes and activities.

Policy: goals and priorities

197. The Ministry of Health uses a system which encompasses the programmes and activities for the care of the individual, the family and the community, as well as the environment, in order to deal with the health problems of the population. Its strategy is to develop the Local Comprehensive Health-care Systems (SILAIS), through which the following priorities have been established:

(a) To promote the joint responsibility of individual, family and community in health work;

(b) To achieve a significant reduction in the incidence of preventable disease and deaths, especially those which occur prematurely, by taking environmental health measures and providing basic services and health education with community participation;

(c) To mitigate the impact of disability on the individual, the family and the society by giving priority to prevention, comprehensive rehabilitation and social integration of the disabled population;

(d) To disseminate widely basic information about health promotion and disease prevention;

(e) To promote, in the short-term, nutrition assistance projects which focus on tackling the most urgent problems of the groups at risk, especially education and food and nutrition monitoring programmes.

Goals

198. Under this heading, the reduction of infant and maternal morbidity and mortality and of the impact of disability has been accorded priority. It is proposed to achieve this by:

(a) Reducing the mortality of children under one year of age, and reducing mortality caused by acute neonatal diarrhoea and acute neonatal respiratory disease;

(b) Reducing the incidence and prevalence of transmissible diseases, through the introduction of preventive measures such as vaccination days and systematic vaccination and control of diseases and epidemics;

(c) Reducing maternal mortality and its perinatal component by promoting risk-free maternity;

(d) Providing timely and effective care to the disabled until they have been reintegrated into society and the workplace.

Priorities

199. In working towards these objectives, priority is given to the following groups and territories:

(a) Poor and especially female-headed households;

(b) Landless peasant women;

(c) The unemployed and underemployed;

(d) Mother-and-child groups and the most unprotected, such as children in particularly difficult circumstances, the disabled, war victims, and displaced, repatriated and demobilized persons;

(e) Areas with populations severely affected by the war and the economic crisis;

(f) Areas with the greatest concentration of poverty, in departments and municipalities, particularly in rural areas;

(g) Urban marginal areas in the main cities.

PROGRAMMES, SUBPROGRAMMES AND ACTIVITIES

200. On the basis of these goals and priorities, the Ministry of Health is carrying out the following programmes:

(a) Health and environment programme, aimed at reducing the hygiene and health risk factors which contribute to the high incidence and prevalence of morbidity and mortality of the population in general, and of infants in particular.

1. Environmental health programme
2. Food hygiene programme
3. Occupational medicine programme
4. School hygiene programme.

(b) Individual care programme

Programme for the care of women (reduction of maternal morbidity-mortality)

Risk-free maternity is being promoted by forestalling high-risk reproduction, encouraging early screening, detection and timely referral of high obstetric risks, monitoring and proper care of the mother during childbirth and during the period immediately after and improving out-patient care, treating low-risk diseases, providing sex education and preventing high-risk pregnancy.

Risk-free maternity,
reproductive health,
care during pregnancy,
care during childbirth,
care immediately after childbirth.

(c) Programme for women, health and development

(d) Gynaecological morbidity programme

(e) Comprehensive child-care programme (reduction of infant morbidity-mortality)

Comprehensive child-care is being promoted, by ensuring that the child is born under proper conditions, monitoring its growth and development, protecting it from diseases that can be prevented through immunization (by achieving universal vaccination coverage against polio, diphtheria, whooping

cough and measles, by increasing systematic vaccination and national vaccination days), by early referral and timely treatment of childhood illnesses.

Growth and development of the child
Acute diarrhoea
Perinatal care
Acute respiratory disease
Paediatric morbidity
Increased immunization
Nutrition

(f) Health-care Programme

Programme of transmissible diseases (epidemic prevention and monitoring and strengthening of health services for the treatment of such diseases).

Diseases transmitted through the digestive tract
Sexually-transmitted diseases
AIDS
Tuberculosis
Cholera
Programme of vector-borne diseases
Malaria
Dengue
Leishmaniasis and Chagas disease
Zoonosis (rabies)

(g) Programme for the rehabilitation and integration of the disabled

The following have been strengthened: prevention, and rehabilitation and integration of disabled persons, by organizing the health services, and involving society, the community and the family (community-based rehabilitation, institutional rehabilitation). Personnel have been trained and the equipment and medicines needed for rehabilitation provided. The standardized production of prostheses and orthopaedic appliances has been improved. Vocational guidance, vocational training and the integration of the disabled have been promoted.

(h) Mental health programme

Reduction of the prevalence of the chief mental ailments and their tendency to become chronic.

(i) Dental health programme

Reduction of the incidence of caries in the pre-school and school populations and provision of curative treatment for the child's milk teeth and for expectant mothers.

(j) Programme of care for the chronically ill

To reduce the mortality caused by chronic degenerative diseases and to improve the quality of life of patients, by promoting prevention and action campaigns, as well as the early arrest and proper treatment of such diseases.

Cardiovascular diseases
Diabetes
Epilepsy
Rheumatoid arthritis
Asthma
Malignant neoplasias

(k) Health services development programme (to develop local comprehensive health-care systems). In order to ensure the proper functioning of the plan and that the activities envisaged in the programmes are carried out, the following measures are being considered:

Strengthening the physical infrastructure, thus providing the SILAIS with adequate response capability through its services network;

Adapting of the services to levels of care, and integrating the programmes at the local level;

Strengthening development of human resources, in order to improve the response capability of health personnel, through training schemes and organizational measures;

Improving the response capability of the medical supply services and ensuring essential medical inputs;

Upgrading administrative capacity (information systems, local planning and programming, budgeting, financing and control of supplies).